

Effective 5/13/2014

Superseded 5/12/2015

17-27a-301 Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Township planning commission -- Compensation.

- (1)
 - (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a township.
 - (b) Subsection (1)(a) does not apply if all of the county is included within any combination of:
 - (i) municipalities; and
 - (ii) townships with their own planning commissions.
- (2)
 - (a) The ordinance shall define:
 - (i) the number and terms of the members and, if the county chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission;
 - (v) subject to Subsection (2)(b), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
 - (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a)
 - (i) If the county establishes a township planning commission, the county legislative body shall enact an ordinance that defines:
 - (A) appointment procedures;
 - (B) procedures for filling vacancies and removing members from office;
 - (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the township planning commission in a public meeting; and
 - (D) details relating to the organization and procedures of each township planning commission.
 - (ii) Subsection (3)(a)(i)(C) does not affect the township planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
 - (b) The planning commission for each township shall consist of seven members who, except as provided in Subsection (4), shall be appointed by:
 - (i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or
 - (ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.
 - (c)
 - (i) Members shall serve four-year terms and until their successors are appointed or, as provided in Subsection (4), elected and qualified.
 - (ii) Notwithstanding the provisions of Subsection (3)(c)(i) and except as provided in Subsection (4), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.
 - (d)

- (i) Except as provided in Subsection (3)(d)(ii), each member of a township planning commission shall be a registered voter residing within the township.
- (ii)
 - (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter residing outside the township if that member:
 - (I) is an owner of real property located within the township; and
 - (II) resides within the county in which the township is located.
 - (B)
 - (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township planning commission from a list of three persons submitted by the county legislative body.
 - (II) If the township planning commission has not notified the county legislative body of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning commission's receipt of the list, the county legislative body may appoint one of the three persons on the list or a registered voter residing within the township as a member of the township planning commission.
- (4)
 - (a) The legislative body of each county in which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that provides for the election of at least three members of the planning commission of that township.
 - (b)
 - (i) Beginning with the 2012 general election, the election of planning commission members under Subsection (4)(a) shall coincide with the election of other county officers during even-numbered years.
 - (ii) Approximately half the elected planning commission members shall be elected every four years during elections held on even-numbered years, and the remaining elected members shall be elected every four years on alternating even-numbered years.
 - (c) If no person files a declaration of candidacy in accordance with Section 20A-9-202 for an open township planning commission member position:
 - (i) the position may be appointed in accordance with Subsection (3)(b); and
 - (ii) a person appointed under Subsection (4)(c)(i) may not serve for a period of time that exceeds the elected term for which there was no candidate.
- (5)
 - (a) A legislative body described in Subsection (4)(a) shall on or before January 1, 2012, enact an ordinance that:
 - (i) designates the seats to be elected; and
 - (ii) subject to Subsection (6)(b), appoints a member of the planning and zoning board of the former township, established under Laws of Utah 1996, Chapter 308, as a member of the planning commission of the reconstituted or reinstated township.
 - (b) A member appointed under Subsection (5)(a) is considered an elected member.
- (6)
 - (a) Except as provided in Subsection (6)(b), the term of each member appointed under Subsection (5)(a) shall continue until the time that the member's term as an elected member of the former township planning and zoning board would have expired.
 - (b)

- (i) Notwithstanding Subsection (6)(a), the county legislative body may adjust the terms of the members appointed under Subsection (5)(a) so that the terms of those members coincide with the schedule under Subsection (4)(b) for elected members.
 - (ii) Subject to Subsection (6)(b)(iii), the legislative body of a county in which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) is located may enact an ordinance allowing each appointed member of the planning and zoning board of the former township, established under Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning commission of the reconstituted or reinstated township until the time that the member's term as a member of the former township's planning and zoning board would have expired.
 - (iii) If a planning commission of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) has more than one appointed member who resides outside the township, the legislative body of the county in which that township is located shall, within 15 days of the effective date of this Subsection (6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed member.
- (7)
- (a) Except as provided in Subsection (7)(b), upon the appointment or election of all members of a township planning commission, each township planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or township planning and zoning board.
 - (b) Notwithstanding Subsection (7)(a), if the members of a former township planning and zoning board continue to hold office as members of the planning commission of the township planning district under an ordinance enacted under Subsection (5)(a), the township planning commission shall immediately begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that had previously been under the jurisdiction of the township planning and zoning board.
- (8) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.